

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP  
ATTORNEYS AT LAW  
1211 NEWELL AVENUE, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

NOAH G. BLECHMAN (State Bar No. 197167)  
noah.blechman@mcnamaralaw.com  
AMY S. ROTHMAN (State Bar No. 308133)  
amy.rothman@mcnamaralaw.com  
McNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP  
1211 Newell Avenue  
Walnut Creek, CA 94596  
Telephone: (925) 939-5330  
Facsimile: (925) 939-0203

Attorneys for Defendants  
OFFICER JAMES COLLEY; ANTIOCH POLICE  
DEPARTMENT; and CITY OF ANTIOCH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY MICHAEL MABUTAS, JR.,

Plaintiff,

vs.

OFFICER JAMES COLLEY, in his official  
and individual capacities, ANTIOCH  
POLICE DEPARTMENT, and CITY OF  
ANTIOCH, CALIFORNIA,

Defendants.

Case No. C14-3796 KAW

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Judge: Hon. Kandis A. Westmore

Plaintiff ANTHONY MICHAEL MABUTAS, JR., and Defendants OFFICER JAMES COLLEY; ANTIOCH POLICE DEPARTMENT; and CITY OF ANTIOCH, by and through their respective attorneys of record, hereby stipulate to the following:

1. WHEREAS Plaintiff filed a civil rights complaint in the United States District Court in the Northern District of California on August 21, 2014, arising out of Plaintiff's arrest by an officer of the Antioch Police Department on June 9, 2014;

2. WHEREAS Plaintiff has a pending criminal case against him arising out of an April 14, 2015, arrest with charges for, among other things, violating Penal Code section 187(a) pending against him in the Superior Court of Contra Costa County.

STIPULATION AND [PROPOSED] ORDER TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE., C14-3796 KAW

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP  
ATTORNEYS AT LAW  
1211 NEWELL AVENUE, WALNUT CREEK, CA 94596  
TELEPHONE: (925) 939-5330

3. WHEREAS Counsel for Plaintiff is informed that Plaintiff's trial date for the pending criminal action is scheduled for July, 2017.

4. WHEREAS it has been previously agreed that the outcome of the Plaintiff's pending criminal trial may directly or indirectly bear on the issues in this Fourth Amendment civil rights case.

5. WHEREAS, with the exception of third party discovery, this matter is presently stayed until the resolution of Plaintiff's criminal action.

6. WHEREAS this matter is currently set for a further Case Management Conference on March 7, 2017.

7. WHEREFORE, the parties by and through their respective counsel, respectfully seek an Order from the Court to continue the further Case Management Conference to sometime in August or September of 2017.

IT IS SO STIPULATED

The parties attest that concurrence in the filing of these documents has been obtained from each of the other Signatories, which shall serve in lieu of their signatures on the document.

Dated: January 24, 2017

Law Office of Mark W. Kelsey

By: /s/ Mark W. Kelsey  
Mark W. Kelsey  
Attorney for Plaintiff  
ANTHONY MICHAEL MABUTAS, JR.

Dated: January 24, 2017

McNAMARA, NEY, BEATTY, SLATTERY,  
BORGES & AMBACHER LLP

By: /s/ Noah G. Blechman  
Noah G. Blechman  
Amy S. Rothman  
Attorneys for Defendants  
OFFICER JAMES COLLEY; ANTIOCH POLICE  
DEPARTMENT; and CITY OF ANTIOCH

**ORDER**

Pursuant to the parties' stipulation and on a showing of good cause, the Court orders that the further Case Management Conference currently set for March 7, 2017, is hereby rescheduled to September 19, 2017, at 1:30 p.m. in the undersigned's Department. The parties shall file an Updated Joint Case Management Conference Statement no later than seven (7) days prior to the new Case Management Conference date. Should the pending criminal case of Plaintiff be finally resolved before that time frame, the parties shall jointly provide notice to the Court as soon as feasible.

**IT IS SO ORDERED.**

Dated: 1/30, 2017

By: Kandis Westmore  
 HON. KANDIS A. WESTMORE  
 UNITED STATES MAGISTRATE JUDGE

McNAMARA, NEY, BEATTY, SLATTERY, BORGES & AMBACHER LLP  
 ATTORNEYS AT LAW  
 1211 NEWELL AVENUE, WALNUT CREEK, CA 94596  
 TELEPHONE: (925) 939-5330